



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 07-05-011

Section 19A-11(a)(2)(A) of the ethics law prohibits an employee from participating in any matter if the employee knows that a party to the matter is any business in which the employee has an economic interest or is an officer, director, trustee, partner, or employee. An employee in the Department of Health and Human Services asks whether he can continue to serve, uncompensated, on the board of a Maryland nonprofit organization which “is submitting a proposal to DHHS asking for a grant to disseminate information regarding the HHS services and programs to county residents via a bimonthly cable television program series.”¹ The Commission perceives no conflict so long as the employee does not participate in any matter where the nonprofit is a party to that matter.

The employee asks a series of questions which the Commission will respond to in seriatim.

1. The employee can continue to serve on the board. But § 19A-11(a)(2)(A) prohibits the employee from participating in any matter if the employee knows (or reasonably should know) that his nonprofit is a party to that matter. Thus, the employee cannot participate in any review of the nonprofit’s proposal or the administration of any contract with his nonprofit.

2. The employee’s wife (who is not a County employee) can continue to serve as a volunteer on the nonprofit’s board.

3. As a board member, the employee can volunteer to work on production of the cable television program.

4. The employee and his wife can remain involved in this project so long as they abide by the ethics rules contained in Chapter 19A of the County Code, including — 19A-11(a)(2)(A), discussed above.

¹ It is not clear from the request whether the nonprofit entity is seeking a grant to help carry out its mission or is responding to a request for proposals issued by HHS to help HHS disseminate information about its (HHS) programs. Ultimately, this does not affect the Commission’s analysis.

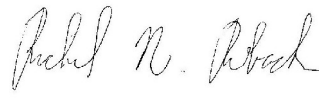
No. 2007-05-011

Page 2

In reaching this decision the Commission has relied upon the facts as presented by the requester.

FOR THE COMMISSION:

July 9, 2007
Date


Richard N. Reback, Chair